

## LINDFIELD PARISH COUNCIL

### CODE OF PRACTICE AND PROCEDURE FOR THE HANDLING OF COMPLAINTS

*Adopted by Lindfield Parish Council at the Annual Meeting on 15.05.14*

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N.B. Use of the masculine pronoun throughout this paper should be taken also to mean the female gender as appropriate

#### **Definition of a complaint**

A complaint against the Council is any oral or written expression of dissatisfaction made directly to the Council as a body, or to an individual Member or Clerk, regarding a matter which comes within the jurisdiction of the Council, i.e. over which the Council does or could exercise a power, duty, or control. The Parish Council does not come under the jurisdiction of the Local Government Ombudsman and will deal with any complaints made against the Council's administration or procedures itself.

#### **Types of complaint**

Complaints made by or about an employee of the Council will be dealt with as an employment matter. The Complainant can be assured that the matter will be dealt with internally under separate procedures, and any appropriate action taken as required.

A complaint relating to a Councillor's failure to comply with the Council's Code of Conduct must be submitted to the Monitoring Officer at Mid Sussex District Council (MSDC). If any question arises on what constitutes such a complaint the matter shall be submitted to the Monitoring Officer by either the complainant or the Council for determination by MSDC. Any relevant information and contact details held by the Council will be given to the Complainant.

Where the complaint is about an issue outside the control of the Council, the Complainant should be advised accordingly. Details of the relevant authority or service provider can be given to the Complainant to enable him to pursue the complaint, or the Council could agree to take the matter up with that authority on the Complainant's behalf, if appropriate.

Unreasonable complaint behaviour, which shall include unreasonably persistent complainants, shall be dealt with under the Council's separate policy for handling unreasonably persistent, vexatious, harassing or abusive complaints. A copy of this policy will be provided to the complainant if appropriate.

The code of practice that follows is aimed at those situations where a complaint has been made about the administration of the Council or its procedures, including those leading to the making of a decision.

#### **The Complaints Committee**

The Council shall set up a Complaints Committee of four members, to be decided at the Annual Meeting of Council as for other standing committees. Formal complaints will be heard by a panel of any three of those members. It is at the discretion of the Council to increase this panel above three but not to decrease it. In the event of two or more members of the Complaints Committee deeming themselves to have a personal or prejudicial interest in the matter the subject of the Complaint, either the composition of the hearing panel should be agreed in Full Council, or the complaint should be considered by Full Council [the decision on which course to take is to be made by the Clerk in consultation

with the Chairman of Council]. Should it become evident that there would be insufficient members of Full Council without a personal or prejudicial interest in the subject matter to form a quorum, the Council shall (i) consider arrangements to have the complaint independently investigated provided that any associated costs are both proportionate and reasonable, or (ii) seek advice from the Sussex Association of Local Councils, or (iii) indicate that the complaint cannot in the circumstances be investigated by the Council. In either event, the complainant shall be informed of the reasons for any consequent delay. The Complaints Committee shall normally report its findings and recommendations to the next meeting of Council. Wherever possible, the minutes should be taken by someone other than the Clerk who is normally acting as the Council's representative at the meeting to hear a complaint.

### **Dealing with complaints**

Many complaints, even those which are stated to be formal complaints, can easily be resolved without the need to resort to the formal complaints procedure, by means of explanations given by the Clerk, other proper officer or Chairman, either in person or in writing according to the circumstances. The Complainant(s) may be offered an opportunity for an informal meeting with the Chairman or other representative(s) of the Council. If these initial attempts to resolve the matter are unsuccessful, the formal complaints procedure should be invoked.

### **Procedure on receipt of a complaint**

1. Complaints made in person may initially be dealt with appropriately at the time according to the circumstances. An oral explanation may suffice.
2. Written complaints are to be acknowledged within 3 working days, if they cannot be answered within 7 working days. If consultation is necessary, with the Chairman of Council or the appropriate Committee, the Complainant should be informed that further information needs to be sought. A written explanation should then be sent to the Complainant as soon as possible.
3. If the Complainant is not satisfied following the initial steps to resolve the matter, he may be offered the opportunity for an informal meeting with representative(s) of the Council. If the Council is to be represented by a Councillor, that member may request the presence of the Clerk who will produce a brief written note of the proceedings, as a record for future reference.
4. If the matter is not resolved by steps 1 to 3 above, the Clerk should then write to the Complainant furnishing him with a copy of the Council's adopted complaints procedure and asking the Complainant if he wishes to submit a formal complaint in writing to the Council in order for its formal complaints procedure to be invoked (as set out below).

### **Procedure for dealing with Formal Complaints**

#### Before the Complaints Committee meeting.

1. If not already done, the Complainant should be asked to put the complaint about the Council's policies, processes, procedures or administration into writing to the Clerk or other nominated officer. If the Complainant has already submitted a written complaint, he should be asked to confirm that, having read the procedure provided, he wishes to proceed in taking his complaint through the formal procedure. It is preferable that any such complaint is in writing, but if this is not possible,

arrangements may be made for notes of the complaint details to be taken so that the complainant may forward such notes.

2. If the Complainant does not wish to address his letter of complaint to the Clerk or other nominated officer, he should be advised to put it to the Chairman of Council.
3. The Clerk or other nominated officer, or the Chairman of Council (provided he immediately provides the Clerk with a copy of any such letter), as appropriate, shall within 3 working days acknowledge, in writing, receipt of the letter of complaint. All subsequent correspondence should go through the Clerk. As soon as possible thereafter, the Clerk should advise the Complainant in writing when the matter will go through the complaints process and approximately when the Complaints Committee would be meeting to consider the complaint (this meeting to be arranged for a mutually convenient date). The complainant will be further advised whether the complaint will be treated as confidential.
4. The Complainant shall be invited to attend the meeting of the Complaints Committee and may bring such representatives as he wishes.
5. Seven clear working days prior to the Complaints Committee meeting, the Complainant shall provide the Council with copies of relevant documentation or other evidence, which he wishes to rely on or to refer to at the meeting, and the Council shall similarly provide the Complainant with the Agenda for the meeting and copies of any documentation to which the Council's representative(s) may wish to rely on or refer to at the meeting.

#### At the Complaints Committee Meeting

6. The time allowed for the Complainant to present the grounds for complaint and for the Clerk or Council's representative(s) to explain the Council's position shall be limited to 15 minutes for each party. Any questions, replies to questions or summing up by the Complainant will be limited to five minutes. These times may be extended at the discretion of the Chairman if he believes this would be fair to all parties in the light of complexity or other extenuating circumstances.
7. The Committee shall consider whether the circumstances of the meeting warrant the exclusion, under the Council's Standing Orders, of the public and press.
8. The Chairman will then introduce the parties, explain committee procedure and make any necessary opening remarks.
9. The Complainant (or his representative) will outline the grounds for the complaint.
10. Members of the Committee or the Clerk may ask any question of the Complainant (or his representative)
11. The Clerk or other representative of the Council may be asked by the Chairman to outline the Council's position.
12. Members of the Committee may ask any question of the Clerk or other representative of the Council.
13. The Complainant or the Clerk or other representative of the Council may, through the Chairman and, at his discretion, ask a question of the other party seeking points of clarification of what has been said.

14. The Clerk or other representative of the Council and the Complainant (in this order of speaking) are then offered the opportunity of making any final submissions.
15. The Chairman of the Complaints Committee will then sum up and indicate when the decision will be made, how it will be communicated to the parties and when the Committee's report will be presented to the Council.
16. The Clerk acting as the Council's representative, or other representative(s) of the Council, the Complainant and all other parties except the person taking the Minutes, will then leave the room while members of the Committee decide whether or not the grounds for the complaint have been made and to prepare a timescale for their report and recommendations. In the absence of a separate minute taker, the Chairman may invite the Clerk back into the Committee if the details to be noted are deemed to be complex. If a point of clarification is necessary, both parties shall be invited back.

#### After the meeting

17. The minutes of the Complaints Committee meeting, including any recommendations for action to be taken, will be communicated in writing within seven working days to the Clerk or other representative of the Council, the Complainant and all Councillors. The Chairman of the Complaints Committee will report the Committee's findings to the next scheduled meeting of the Council in public session. This report may include suggested revisions to this procedure, or the Chairman of the Complaints Committee may suggest that a more thorough review of the procedure be presented at some later date, e.g. the following meeting of the Full Council.
18. The Council will decide upon a suitable date for the Committee to be reconvened to confirm and sign its Minutes, including any consideration of learning points and review of this Code of Practice and Procedure.